



Date 4/24/22

This FAX transmission contains 6 pages (not including this cover sheet)

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 Department SEATTLE DEPT. OF NEIGHBORHOODS (DON)
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From: Name CHRIS JACKINS
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Notes: ATTACHED: COMMENTS ON DEPARTURES AND
PERMITS FOR PROJECT # 3037700-5D
RAINIER BEACH HIGH SCHOOL DEMOLITION AND REPLACEMENT

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April 24, 2022
File rhhs letter to don and dci

TO: Nelson Pesigan, DON
Seattle Dept. of Neighborhoods
P.O. Box 94649, Seattle WA 98124-4649
phone 206-684-0209; FAX 206-233-5142
nelson.pesigan@seattle.gov

FROM: Chris Jackins, Coordinator
Seattle Committee to Save Schools
P.O. Box 84063, Seattle WA 98124
206-521-3288

& TO: Seattle Dept. of Construction & Inspections (DCI)
Attention: Public Resource Center
P.O. Box 34019, Seattle WA 98124-4019
FAX 206-233-7901; message line 206-684-8467

REGARDING: Project # 3037700-SD Rainier Beach High School demolition & replacement, 8815 Seward Park Ave S
Comments opposing Seattle School District request for departures from City zoning code
Comments opposing approval for DCI Permits for this project.

Dear DON and DCI,

1. Attached are comments on the Seattle School District request for departures from City zoning code on Project # 3037700-SD Rainier Beach High School replacement, 8815 Seward Park Ave S.
2. I oppose these departures. I ask that DON and DCI deny the requested departures.
3. Also included are comments on the Seattle School District request for permits including a Master Use Permit on Project # 3037700-SD Rainier Beach High School replacement, 8815 Seward Park Ave S.
4. I oppose this \$238.2 million project as currently proposed. I ask that DCI deny approval for permits for the project including a Master Use Permit.
5. As review for the project seems to be continuing, the DON and DCI should consider my comments and other comments on the project.
6. I recently checked the City DON and DCI websites, and discovered a request for comments on departures from zoning code on Project # 3037700-SD Rainier Beach High School replacement.
7. The website stated "Requested Departures – Please submit your comments on the proposed new site plan revisions, including any mitigation measures or conditions of approval by Friday, March 4, 2022".
8. The website included a posting of "site plan revisions", including "One double, classroom, temporary, portable proposed at the front of the school, on Seward Parks Ave. S.", "Future single, classroom, temporary portable, if needed", "one proposed Visitor Ticketing, Concessions & Restroom building to be located near the proposed visitor bleachers".
 - A. These changes increase the impacts on the neighborhood, which further argues for rejecting the requested departures from code.
9. I visited the Rainier Beach High School site in March 2022, and there were no physical notices posted at the site corresponding to the request for comments by Friday, March 4, 2022. I drove around the entire site, and I walked around the entire site. There were no notices posted by DCI. There were two previous notices posted by DON, each requesting comments on departures by November 5, 2021.
10. Since required notice at the site was apparently not provided for the March 4, 2022 date, I ask that the DON request for comments be reopened for a reasonable period of time and properly noticed including at the site.

11. There are four Development standard Departures from zoning code as described in the DON notice posted at the Rainier Beach High School site. These four departures are described in a 53-page posted School District document titled "Rainier Beach High School Departures Presentation". A fifth departure related to on-site parking should also have been examined.

1. Departure to allow building height to exceed zoning requirements (4-story building) – Please deny

- A. The allowed building height per code is 35 feet, and the proposed building height is 60 feet, for a 25 feet departure to allow a 4-story building. [pages 40-42, Departures Presentation]
- B. This departure is 71% over the height allowed by code. (25 as a percent of 35 is 71%.) This is too great a departure, when there are other ways to meet the needs of the project.
- C. Specifically, the original proposal for the Rainier Beach High School project was renovation, modernization, and additions.
 - a. The Rainier Beach High School project is part of the Building Excellence 5 (BEX V) levy.
 - b. The original plans in the BEX V EIS (Environmental Impact Statement) called for modernization and additions, NOT replacement.
 - c. "Preferred Alternative": "Schools being considered for ... additions and modernizations include: ... Rainier Beach High School". [Pages 2-3 and 2-4, Building Excellence V Program, Final SEPA Programmatic Environmental Impact Statement, June 2018]
- D. The DON and DCI should include the BEX V EIS in the record of documents examined in reaching a decision on departures and permits.
- E. If the District renovated the current school, there would not be a need for such a large departure from allowed building height.
 - a. The current building height is 46 feet [page 26, section B.10.a, Rainier Beach High School Checklist], 11 feet above the 35 feet code limit.
 - b. If the current building height was kept, this would be a much smaller departure from code: 31% (11 as a percent of 35 is 31%) rather than 71%.

2. Departure to allow bus load and unload off-site on South Henderson Street – Please deny

- A. Since the construction project is increasing the student capacity at the school by more than 25%, City code does not allow continued use of the existing on-street bus loading area on South Henderson Street. [pages 40, 43-44, Departures Presentation]
- B. On-site bus loading and unloading is safer than on-street bus loading and unloading, as it is distant from on-street traffic.
- C. The District asserts that existing capacity will increase by 33% (from 1,200 to 1,600). [page 43, Departures Presentation]
- D. The impacts from the proposal to continue current use are actually much larger (the District proposal is to continue current use of an off-street bus loading and unloading area), with the actual change from current use being a 113% increase versus 33%, as current enrollment is 750 not 1,200 (so the increase is 850 to get to 1,600, and 850 as a percent of 750 is 113%). [page 1, current enrollment is 750, Rainier Beach High School Checklist]

3. Departure to allow electronic message board – Please deny

- A. Zoning code only allows one electric, double-faced sign. Message board signs are not allowed. The District proposes one double-sided, electric changing image message board sign on South Henderson Street. It would replace the existing one pole mounted double-sided, electric changing sign on South Henderson Street. The District description claims that the proposed sign would have single color letters, no tumbling images, no flashing, no scrolling, no video display. [pages 40, 45-46, Departures Presentation]
- B. These type of distracting and "commercial"-style signs have been opposed in a number of neighborhoods as incompatible with public schools. The City on a number of occasions has correctly denied permission for such departures.

- C. For the District to claim that there would be "no flashing" is ingenuous. The sign would be "changing image".
 - D. Further, the City imposed a condition on the current sign that commercial advertising is prohibited on the sign. (I attended the hearing held by the City Hearing Examiner at which the School District agreed to this condition.) The District apparently hopes to lose this condition, so that it can impose commercial messages on the public. This is not what the "public" in "public schools" is supposed to be about.
4. Departure to allow taller than allowed structures in setback (retaining wall and fence) – Please deny
- A. Zoning code only allows fences and retaining walls up to 6 feet tall in the setback area between the school and the street. The District proposes departures to allow an 8 feet tall fence along South Cloverdale (2 feet over the maximum) and a 9 feet and 3 inches tall retaining wall along the alley to the northeast of the site (3 feet and 3 inches over the maximum). [pages 40, 47-49, Departures Presentation]
 - B. For the fence, this is a 33% departure (2 feet as a percent of 6 feet).
 - C. For the retaining wall, this is a 54% departure (39 inches as a percent of 72 inches).
 - D. Like the other requested departures, these departures are also too great.
5. Departure to allow less than the required off street parking – Please deny and mitigate
- A. The DON is not requiring a departure from providing adequate off-street parking.
 - B. Apparently this is because of the District's assertion that Rainier Beach High School lies in an Urban Village.
 - C. The Checklist states that "Because the school is located within an Urban Village, there is no City of Seattle minimum code requirement for parking supply and no code-departure for reduced parking is required." [page 35, B.14.c, Rainier Beach High School Checklist]
 - D. Evaluation of impacts should be consistent between school sites. Simply declaring that mitigation for obvious impacts does not have to be considered for a particular project is prejudicial: such a declaration does not make the parking impacts go away.
 - E. While the District produced the SEPA (State Environmental Policy Act) environmental analysis, there are situations where the City and DCI can consider further mitigation related to SEPA, and parking is such a case.
 - F. The City needs to fairly measure and impose mitigating conditions for actual impacts on the Rainier Beach High School neighborhood by providing information on required on-site parking based on the size of assembly spaces, as would be the case for high schools such as around Garfield, Franklin, and Roosevelt.
 - a. The issue of 113% more enrollment with only 25% more on-site parking needs to be mitigated.
 - b. There are currently 160 parking spaces on-site, and the project would add 40 more parking spaces, an increase of 25%. [page 35, B.14.c, Rainier Beach High School Checklist]
 - c. The enrollment would go from about 750 [page 1, Rainier Beach High School Checklist] to 1,600 [page 35, Rainier Beach High School Checklist], an increase of 850 students and 113%.
 - d. Parking from increased traffic and large events will land somewhere.
 - e. The Checklist states that "the replaced and expanded school is estimated to generate a net increase" in trips per day (750 in, 750 out). [page 37, B.14.f, Rainier Beach High School Checklist]
 - f. The Checklist states that "for the largest events, all on-street parking along the roadways surrounding the school site could be at or above capacity". [page 36, B.14.c, Rainier Beach High School Checklist]
12. The impacts from the zoning departures are out of balance with the need for the project, violating SMC 23.79.008.C.1.b. Renovation and modernization would better meet educational needs: loss of school history and loss of the Paul Robeson Performing Arts Center result in a facility that is less compatible with the character of the neighborhood, violating SMC 23.79.008.C.1.

13. The zoning departure bulk, scale, character, parking impacts are too great, violating SMC 23.79.008.C.1.a: 4-story building (71% over code), unsafe on-street school bus loading, commercial-style electronic message board, tall fences (33% over code), and tall retaining walls (54% over code). Also parking impacts: 113% more enrollment with only 25% more on-site parking.
14. The departures do not properly balance the impacts of noise from the proposed drilling of geothermal wells. (See SMC 23.79.008.C.1.a.4 – noise.) On other District projects the surrounding neighborhoods have been greatly disrupted, such as at Northgate Elementary where I spoke to neighbors who worked from their homes and often found the situation impossible, and at West Woodland Elementary where a night-shift nurse's life was made nearly unbearable.
15. The opportunity for public review and comment on the departures and on the project as a whole has been inadequate.
 - A. The Departures Presentation notes with regard to "process change due to COVID-19" that "The school departure recommendation process typically requires in-person public meetings, which are prohibited due to public health mandates on social distancing and limited gatherings" so that only written public comment is considered by DON staff while a City Ordinance is in effect, noting that "Seattle City Council approved legislation on Monday, April 27, 2020 to keep key projects safely moving forward at least 180 days".
 - B. 180 days is long gone since April 27, 2020. In the meantime, Seattle Public Schools are holding in-person classes and the Seattle School Board is holding in-person meetings (I have attended them), including without requiring masks, and the DON recently reopened public comment on departures, but still only without holding an in-person public meeting.
 - C. This is unfair to the public, and impinges on their rights to equal treatment under the Washington State constitution.
 - D. Have the DON and DCI never had a live conversation with School District staff about the proposed Rainier Beach High School project?
 - E. Also, I received an invitation from the City Hearing Examiner's Office to attend an in-person public comment session regarding the new Hearing Examiner Rules amendments, to be held on Tuesday April 26, 2022 at 5 PM in the large hearing room at the City Hearing Examiner's Office (there is also a dial-in option).
 - a. The City Hearing Examiner's Office is a City department which reviews decisions by the DON and DCI. Since City rules apparently allow the City Hearing Examiner's Office to hold an in-person public comment session, there is no valid reason that the DON and DCI and School District cannot also do so, and the DON should now do so, prior to making any recommendations on departures.
16. The permits for the project should be denied, as the project impacts are beyond the scope of the environmental review analyzed by the SEPA Checklist.
 - A. The project as proposed by the School District will "Demolish the existing high school and construct a new 291,000 SF high school with a total capacity of 1,600 students." [page 2, Departures Presentation]
 - B. This is larger than permitted under the SEPA Checklist, which states that "*The proposed project would construct a new multi-story high school with up to approximately 283,000 square feet*". [page 4, A.11, Rainier Beach High School Checklist]
 - C. 291,000 is about 2.8% larger than 283,000 (8,000 as a percent of 283,000).
17. The DON and the DCI need to do a more thorough and inclusive analysis.
 - A. The original proposal for the Rainier Beach High School project was renovation, modernization, and additions.
 - a. The Rainier Beach High School project is part of the Building Excellence 5 (BEX V) levy.
 - b. The changes in the project thus are changes within much larger plans, and this should be kept in mind when reviewing the project.

- c. Thousands of people attended Rainier Beach High School over a period of decades, and the loss of its history through total demolition is important to these people and to this part of the community, regardless of any "technical" reviews.
- d. The feedback on the project has clearly not adequately sought or reflected public input from those attached to the current school.
- e. An ad placed in "The Facts" newspaper described the project as "gentrification" and included a quote from Rainier Beach High School neighbor and Rainier Beach High School Class of 1971 graduate Beverly Lacy-Goodman, stating *"Save Rainier Beach! We are losing our neighborhood history. I love my old school!"*, and citing to District studies that stated that the school "has been extremely well maintained." [Facility Summary – Volumes I & III, 2014 Building Condition and Educational Adequacy Assessment, Seattle School District No.1, Final Report, MENG Analysis]
- B. Historic and cultural impacts must be considered in balancing the impacts from departures and in considering the project as a whole.
 - a. The Paul Robeson Performing Arts Center has been important to the community, and would be demolished.
 - b. In a letter of October 12, 2020 to the state auditor and to the City of Seattle Ethics and Elections Commission, we raised issues about apparent conflicts of interest related to the process of the City of Seattle Landmarks Preservation Board.
 - Have the DON and DCI made inquiries to the City of Seattle Ethics and Elections Commission to ensure that issues have been adequately weighed?
 - The Landmarks Board Chair at the September 16, 2020 meeting that considered the Rainier Beach High School landmark nomination was working on and is still working on the Rainier Beach High School construction project for Bassetti Architects, the architecture firm in charge of the Rainier Beach High School construction project.
 - Does anyone from DON and DCI involved in reviewing the project have an outside connection to the Rainier Beach High School construction project or to the Seattle School District?
- C. The effects of the project on the Duwamish Tribe have been improperly handled.
 - a. The City of Seattle, named for a Duwamish Chief, should be going out of its way to require projects that are respectful of the Duwamish Tribe.
 - b. The area has been acknowledged as likely holding subsurface cultural and historical resources related to the Duwamish Tribe. Such resources are known to often survive in peat bogs.
 - c. The Checklist states that "The City of Seattle maps the entire project location as a Category 2 ECA peat settlement prone area." [page 10, B.1.d, Rainier Beach High School Checklist]
 - d. The peat would seem a likely area in which historical, cultural, and archeological resources would be likely to reside, and removing and altering such a large amount of this area is an important impact.
 - e. The Checklist states that "The project would require approximately 34,000 cubic yards of cut and 14,000 cubic yards of fill." [page 10, B.1.e, Rainier Beach High School Checklist]
- D. The School District rejected the recommendations of its own Hearing Examiner regarding careful handling of potential subsurface cultural and historical resources related to the Duwamish Tribe.
 - a. The District plans to demolish and replace Rainier Beach High School in phases starting in summer 2022.
 - b. An administrative appeal was filed with the District, objecting to the District's Determination of Non-Significance (DNS) and asking for further environmental review (under SEPA – State Environmental Policy Act).
 - c. The December 28, 2021 District Hearing Examiner recommendation affirmed the DNS, but only with an added condition that *"additional cultural resource subsurface exploration be conducted" "prior" to building demolition.*
 - d. The December 29, 2021 District Superintendent final decision adopted the Examiner recommendation, but weakened the language of the condition so that exploration instead be conducted *"coordinated with demolition"* rather than *"prior" to demolition*, which increases the possibility of bulldozers and other construction activity harming subsurface cultural resources.
 - e. Specifically:

- The Examiner recommendation stated that: *"It is further recommended that additional cultural resource subsurface exploration be conducted for the existing buildings prior to their demolition."*
 - The Superintendent's decision stated: *"It is further recommended that additional cultural resource subsurface exploration be conducted at the location of the existing buildings and coordinated with demolition."*
- f. The Duwamish Tribe filed an appeal in King County Superior Court of this decision to try to protect its cultural and historic resources.
- King County Superior Court Case # 22-2-01479-2 SEA
 - Appellants:
 - Cecile Hansen, Chair of the Duwamish Tribe
 - David Buerge, an historian for the Duwamish Tribe
- g. Did the District inform the City DON and DCI of these facts?
- h. Why would review by the City of Seattle ignore the Duwamish Tribe?
- i. In 2016, the Seattle School Board adopted School Board Resolution 2016/17-1 Memorialize Support of Treaty Rights and Benefits of the Duwamish Nation, which makes clear that connections to the Duwamish Tribe such as in the area of Rainier Beach High School are to be considered of special importance.
- j. Can it be that the City of Seattle, named for a Duwamish Chief, Chief Seattle, does not provide similar guidance and recognition related to the Duwamish Tribe?
- k. Regardless of the results of court review, these issues are important to consider when reviewing the proposed project.
- l. The DON and DCI should obtain and examine a copy of the original court appeal filing to review these issues, and the filing includes a copy of the District Hearing Examiner's recommendation, which also mentioned the Paul Robeson Performing Arts Center.

Sincerely,

